

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                           |   |           |
|---------------------------|---|-----------|
| UNITED STATES OF AMERICA, | ) |           |
|                           | ) |           |
| Plaintiff,                | ) | 8:12CR311 |
|                           | ) |           |
| vs.                       | ) | ORDER     |
|                           | ) |           |
| DAVIS PATTERSON,          | ) |           |
| DYLAN PATTERSON,          | ) |           |
| CHRIS DILLEY,             | ) |           |
| MICHAEL ANDREWS,          | ) |           |
| JESSE RINAHER,            | ) |           |
| DARREN STEWART,           | ) |           |
| CASEY STEWART,            | ) |           |
| COLE GUSTAFSON,           | ) |           |
| EVAN CHRISTENSEN,         | ) |           |
| THOMAS LAYMAN,            | ) |           |
| COREY ARNOLD,             | ) |           |
| NASH HAMMOND,             | ) |           |
| DONALD WIGGINS, and       | ) |           |
| DANIEL ESPINOZA,          | ) |           |
|                           | ) |           |
| Defendants.               | ) |           |

This matter is before the court on the motion of defendant Chris Dilley (Dilley) for additional time in which to file pretrial motions due to the expected volume of discovery material. The motion is well taken. Dilley agreed to the motion and understood the additional time required would be excluded from the computation of time under the Speedy Trial Act. Such deadlines and exclusions shall apply to all defendants in this matter.

**IT IS ORDERED:**

1. **Discovery Deadline.** By **October 10, 2012**, if a request be made, counsel shall confer and accomplish the automatic discovery provided for in Rule 16, Fed. R. Cr. P., and shall adhere to the continuing duty to disclose such matters pursuant to Rule 16(c), Fed. R. Cr. P.;

2. **Pretrial Motion Deadline.** If after compliance with Rule 16 there is necessity for the filing of pretrial motions, they shall be filed by **November 14, 2012**, and that time limit will

not be extended by the court except for good cause shown. In this connection, the United States Attorney shall disclose **Brady v. Maryland** (and its progeny) material as soon as practicable. Should the Defendant nonetheless file a motion for such disclosure, such motion shall state with specificity the material sought. In the event that any motions are filed seeking bills of particulars or discovery of facts, documents, or evidence, as part of the motion **the moving party shall** recite that counsel for the movant has conferred with opposing counsel regarding the subject of the motion in an attempt to reach agreement on the contested matters without the involvement of the court and that such attempts have been unsuccessful. The motion shall further state the dates and times of such conferences.

**IT IS FURTHER ORDERED:**

The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional time arising as a result of the granting of the motion, **from September 27, 2012, through November 14, 2012**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 27th day of September, 2012.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge